

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Serious drought.  
Help save water!*

December 13, 2016

Facsimile: (714) 646-3698

Alex Singh, Project Coordinator  
Dreambuilder  
1324 E. Lawson Lane  
Placentia, CA 92870

04-2G5024  
04-Ala-13, 24, 80, 84, 880-VAR  
B.O. 11/17/2016

Dear Mr. Singh:

The Department of Transportation (Caltrans) received a letter dated December 5, 2016, from Dreambuilder protesting the bid submitted by FBD Vanguard Construction (FBD Vanguard) for Contract 04-2G5204 on November 17, 2016. The protest alleges that FBD Vanguard did not comply with State and Federal contract process, submitted a mathematically and materially unbalanced bid, and changed the subcontract percentage for CMC Traffic Control Specialist (CMC) on the Disadvantage Business Enterprise Commitment (DBE) form, past the 24 hours as defined in Standard Specifications and should find FBD Vanguard nonresponsive.

Caltrans reviewed the protest and found that FBD Vanguard:

- 1) FBD Vanguard did comply with the contract approval process as they followed the State and Federal requirements as advertise in the Notice to Bidders and the Revised 2010 Standard Specifications.
- 2) Caltrans reviewed the bid results for possible mathematical and material unbalancing in accordance with 23CFR 635.102, and found no evidence of material unbalancing.
- 3) In regards to changed percentages for CMC, Caltrans does not perform calculations at bid time of the percentages listed on the Subcontractor's List form with regard to the amount listed for a particular item. Caltrans has found that frequently, the percentages of each bid item are not a one for one match with the dollar amounts listed on the DBE Commitment form, since the total bid amount and even individual bid items, may include the contractors profit and overhead.

Based on the above, Caltrans does not agree that the bid submitted by FBD Vanguard is nonresponsive and finds Dreambuilder protest does not have merit. Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

JILL Y. SEWELL

Office Chief

Program/Project Management Office Engineer

Office Engineer, Construction Contract Awards

Division of Engineering Services

**\*\* Transmit Conf. Report \*\***

P.1  
CAL/TRANS PLANS COUNTER

Dec 13 2016 08:42am

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STATE OF CALIFORNIA--CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

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Dear Mr. Singh:

The Department of Transportation (Caltrans) received a letter dated December 5, 2016, from Dreambuilder protesting the bid submitted by FBD Vanguard Construction (FBD Vanguard) for Contract 04-2G5024 on November 17, 2016. The protest alleges that FBD Vanguard did not comply with State and Federal contract process, submitted a mathematically and materially unbalanced bid, and changed the subcontract percentage for CMC Traffic Control Specialist (CMC) on the Disadvantage Business Enterprise Commitment (DBE) form, past the 24 hours as defined in Standard Specifications and should find FBD Vanguard nonresponsive.

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